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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,531	07/26/2000	John G Posa	VID-01202/29	7887

7590 11/16/2004

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EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 11/16/2004

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/625,531
Filing Date: July 26, 2000
Appellant(s): POSA ET AL.

Posa et al
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/19/04.

(1) *Real Party in Interest*

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

The amendment after final rejection filed on 7/19/04 has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the appellants do not explicitly disclose a reason why certain claims do not stand or fall together.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,069,943	David et al	5-2000
6,469,732	Chang et al	10-2002

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al (6,069,943) in view of Chang et al (6,469,732).

Regarding claim 8, David teaches a base unit (element 80), including an interface to a telecommunications network at least one wireless remote microphone in wireless communication with the base unit (col. 7, lines 51-55) enabling user of the microphone to speak to a listener through the base unit and telecommunications network (col. 3, lines 45-50). However, David fails to specifically disclose the base unit forms part of a video teleconferencing system including a video camera for capturing images of the user for transmission to the listener through the telecommunications network. However, Chang teaches a system where video conferencing provides accurate determination of the position of the speaking participants (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Chang's well known video conferencing system with David's already existing remote microphone communication system in order to provide David with video means as well as a camera that is capable of automatically steering itself to the user.

Regarding claims 9 and 14, David fails to specifically disclose a wireless signal transmitter; and wherein the remote microphone re-transmits the wireless signal to the base unit, enabling the base unit to determine a positional aspect of the user of the microphone. However, as shown in claim 8, Chang's positioning aspects (col. 2, lines 1-14) are notoriously well known and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Chang's well

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known video conferencing system with David's already existing remote microphone communication system in order to provide David with a camera that is capable of automatically steering itself to the user (microphone).

Regarding claims 10-12, David as modified by Chang teaches a pan or tilt mount associated with the video camera which is controlled as a function of the positional aspect, an auto-focusing capability for the video camera which is controlled as a function of the positional aspect and a zoom lens associated with the video camera which is controlled as a function of the positional aspect (see Chang, col. 2, lines 59-60).

Regarding claim 13, David teaches a plurality of remote microphones, each transmitting a wireless audio signal to the base unit (elements 16, 18 & 20, col. 7, lines 34-60).

Regarding claim 15, David as modified by Chang teach a pan, tilt, and zoom capability associated with the video camera which is controlled as function of the positional aspect of each user, enabling the camera to selectively frame the image of one or more users for transmission through the telecommunications network (see Chang, col. 2, lines 59-60 & col. 5, lines 17-61).

Regarding claim 16, David as modified by Chang fail to disclose the pan, tilt, or zoom capabilities are effectuated by selecting a subset of pixels from a larger number of pixels in an image gathered by the camera. However, official notice is taken that it is notoriously well known in the art of video to select a subset of pixels from a larger number of pixels in an image gathered by the camera to effectuate the pan, tilt or zoom capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to use a subset of pixels from a larger number of pixels in an image gathering by the camera in order to allow for a clearer picture.

Regarding claim 17, David as modified by Chang teach an auto-focusing capability for the video camera which is controlled as a function of the positional aspect of each user, enabling the camera to control depth-of-field associated with one or more users (see Chang, col. 5, lines 17-61 & col. 7, lines 18-25).

(11) *Response to Argument*

Appellant makes the following arguments:

Appellant states that examiner is flawed in his reasoning to why one of ordinary skill in the art would combine the cited references other than hindsight. And, that the examiner failed to show specific findings on a suggestion to combine prior art references.

With regard to appellant's argument, appellant agrees with examiner that all the limitations of claim 8 are met. Specifically, claim 8 can be divided into two parts:

Part I: David (6,069,943) teaches a base unit (element 80), including an interface to a telecommunications network at least one wireless remote microphone in wireless communication with the base unit (col. 7, lines 51-55) enabling user of the microphone to speak to a listener through the base unit and telecommunications network (col. 3, lines 45-50).

And Part II: Chang (6,469,732) teaches a system where video conferencing provides accurate determination of the position of the speaking participants (see abstract).

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Appellant argues that it's improper to combine (David's invention) a wireless conference call without video capabilities with (Chang's invention) a wired conference call with video capabilities. Appellant argument of lack of motivation is clearly erroneous because both systems are used in a conference call setting and therefore analogous arts. One of ordinary skill in the art would find motivation in Chang to add video capabilities to David's invention because Chang's invention enhances video tracking while talking in a conference call. It is irrelevant to David how Chang modifies video tracking but rather that Chang teaches the video capabilities in a conference call is well known in the art.

David's invention is a great invention in that it teaches conference call capabilities without limiting the user to a wired environment, instead, David teaches a wireless headset where the user is not bound by wires (see David, figure 1 and col. 3, lines 45-50, col. 7, lines 51-55). However, David is deficient in that there is no disclosure of video capabilities is mentioned. However, Video capabilities during a conference call are notoriously well known in the art as taught by Chang. Therefore, it is clear, that one utilizing David's invention would look into Chang's invention to utilize Chang's idea of having video capabilities in a conference because both Chang's and David are used in a conference. It would be completely obvious to take certain features from Chang's invention and utilize them in David's and vice versa.

Furthermore, it is examiner's contention that one would look to modify David's invention with Chang's simply because both inventions deal with a conference call. The mere fact that Chang uses wired microphone to provide a conference call with video capabilities does not teach away from a conference call that utilizes wireless technology. It is notoriously well known in the art to modify wired system's to be in a wireless

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environment. Furthermore, it is notoriously well known in the art to have video transmitted wirelessly. Therefore, one would look to Chang to provide David's wireless conference call system with video capabilities simply because Chang's system is a conference call and mere fact that Chang's video system is a wired system would not deter one from modifying David's invention because there is a need to provide video capabilities to a teleconference call as taught by Chang.

Furthermore, appellant is concentrating on the details of how Chang's uses the video camera to capture a user during a conference call as oppose to the simple fact that video capabilities are provided during a conference call.

The claim limitation simply reads "wherein the base unit forms part of a video teleconferencing system including a video camera for capturing images of the user for transmission to the listener through the telecommunication network--- Chang clearly teaches this.

It should be noted, that with respect to claim 8, Chang alone teaches all the limitations with the exception that the system in a wireless system. It is examiner's contention that there isn't anything novel about making a system wireless.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Edan Orgad

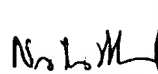


November 15, 2004

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